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7  
8 BEFORE THE  
BOARD OF MEDICAL QUALITY ASSURANCE  
9 DIVISION OF MEDICAL QUALITY  
STATE OF CALIFORNIA  
10

11 In the Matter of the Accusation )  
Against: )

No. D-3195

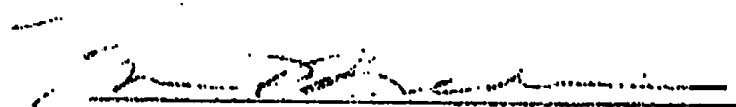
12 HERBERT MARVIN TANENHAUS, M.D. )  
13 315 "P" Street )  
Eureka, California 95501 )  
14 Physician's and Surgeon's )  
Certificate No. G-028610, )

DECISION AND ORDER

15 Respondent. )  
16

17 The attached Stipulation and Waiver is accepted and  
18 shall become the decision of the Board of Medical Quality  
19 Assurance, State of California, effective June 6, 1985

20 IT IS SO ORDERED this 6th day of May,  
21 1985.

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25 MILLER MEDEARIS, Secretary-Treasurer  
Division of Medical Quality  
26 BOARD OF MEDICAL QUALITY ASSURANCE  
27 STATE OF CALIFORNIA

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11 In the Matter of the Accusation  
Against:

No. D-3195

12 HERBERT MARVIN TANENHAUS, M.D.  
13 315 "P" Street  
Eureka, California 95501  
14 Physician's and Surgeon's  
Certificate No. G-028610,  
15

STIPULATION AND WAIVER

16 Respondent.

17 IT IS HEREBY STIPULATED by and between Herbert Marvin  
18 Tanenhaus, M.D., the respondent in this matter, and Kenneth J.  
19 Wagstaff, as the Executive Director of the Board of Medical  
20 Quality Assurance, Department of Consumer Affairs, by and through  
21 its attorney, Alfredo Terrazas, Deputy Attorney General, that  
22 the following matters are true:

23 1. An accusation is presently pending against Herbert  
24 Marvin Tanenhaus, M.D. (hereinafter referred to as the  
25 "respondent"), physician's and surgeon's certificate number  
26 G-028610, before the Board of Medical Quality Assurance of the  
27 //

1 State of California and said accusation having been filed on or  
2 about May 29, 1984.

3 2. The complainant in said accusation, Kenneth J.  
4 Wagstaff, is the Executive Director of the Board of Medical  
5 Quality Assurance and brought said accusation in his official  
6 capacity.

7 3. That respondent has retained Clayton R. Janssen,  
8 Esq., as his counsel in this matter.

9 4. Respondent and his counsel have fully discussed  
10 with Alfredo Terrazas, Deputy Attorney General, the charges  
11 contained in the above-mentioned accusation, and in that  
12 connection, respondent has been fully advised regarding his  
13 rights in this matter.

14 5. That respondent hereby freely and voluntarily waives  
15 his right to a hearing on the charges and allegations contained  
16 in the above-mentioned accusation in order to enter into this  
17 Stipulation and Waiver and that he further agrees to waive his  
18 right to reconsideration, judicial review, and any and all rights  
19 which may be accorded him by the Administrative Procedure Act  
20 and the laws of the State of California.

21 6. All admissions of fact and conclusions of law  
22 contained in this stipulation are made exclusively for this  
23 proceeding and any future proceedings between the Board of Medical  
24 Quality Assurance and the respondent and shall not be deemed to  
25 be admissions for any purpose in any other administrative, civil  
26 or criminal action, forum, or proceeding.

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1           7. That the respondent's license history and status  
2 as set forth at paragraph 2 of the Accusation are true and  
3 correct and that the respondent's address of record is as set  
4 forth in the caption of this Stipulation and Waiver.

5           8. That respondent admits that there is a factual  
6 basis for the imposition of discipline based on the totality of  
7 the allegations charged in the accusation and specifically  
8 admits that he allowed the physician-patient relationship between  
9 himself and the patients identified in Accusation number D-3195  
10 to develop into personal and physically intimate relationships  
11 which constitutes general unprofessional conduct and cause for  
12 disciplinary action pursuant to Business and Professions Code  
13 section 2234.

14           9. That it is understood by all parties hereto that  
15 by virtue of the foregoing recitals, IT IS HEREBY STIPULATED AND  
16 AGREED that the Board of Medical Quality Assurance, upon its  
17 approval of the Stipulation and Waiver herein set forth, may,  
18 without further notice, prepare a decision and enter the following  
19 order, whereby the Physician's and Surgeon's Certificate No.  
20 G-028610, heretofore issued to respondent by the Board of  
21 Medical Quality Assurance, is hereby revoked, provided however,  
22 that execution of this order of revocation is stayed, and  
23 respondent is placed on probation for a period of seven years,  
24 upon the following terms and conditions:

25           A. Respondent shall obey all the laws of the United  
26 States, State of California, and its political subdivisions, and

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1 all rules and regulations and laws pertaining to the practice of  
2 medicine in this State.

3 B. Respondent shall fully and completely comply with  
4 the Probation Program established by the Board, and cooperate  
5 with representatives of the Board.

6 C. Respondent shall appear in person for interviews  
7 with the Division's medical consultant upon request at various  
8 intervals and with reasonable notice.

9 D. In the event respondent should leave California to  
10 reside or practice outside of the State, respondent must notify  
11 the Board in writing of the dates of departure and return. Periods  
12 of residency or practice outside the State of California will not  
13 apply to the reduction of this probationary term.

14 E. Respondent shall submit quarterly declarations  
15 under penalty of perjury on forms provided by the Division,  
16 stating whether there has been compliance with all the conditions  
17 of probation.

18 F. Within 30 days of the effective date of this  
19 decision, and on a periodic basis thereafter as may be required  
20 by the Division or its designee, respondent shall undergo a  
21 psychiatric evaluation by a Division-appointed psychiatrist who  
22 shall furnish a psychiatric report to the Division or its  
23 designee.

24 G. Respondent shall not engage in the practice of  
25 medicine until notified by the Division of its determination that  
26 respondent is mentally fit to practice safely.

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1           H. Within 30 days of the effective date of this  
2 decision, respondent shall submit to the Division for its prior  
3 approval the name and qualifications of a psychotherapist, either  
4 a licensed clinical psychologist or a licensed psychiatrist, of  
5 respondent's choice. Upon approval, respondent shall undergo  
6 and continue treatment until the Division deems that no further  
7 psychotherapy is necessary. Respondent shall have the treating  
8 psychotherapist submit quarterly status reports to the Division.  
9 The Division may require respondent to undergo psychiatric  
10 evaluations by a Division-appointed psychiatrist.

11           I. Within 30 days of the effective date of this  
12 decision, respondent shall submit to the division, and receive  
13 its prior approval, for a plan of practice limited to a supervised  
14 structured environment in which respondent's activities will be  
15 overseen by a licensed clinical psychologist.

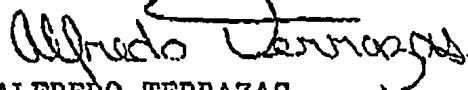
16           J. During probation, respondent shall have a third  
17 party present while examining or treating female patients.

18           10. Upon full compliance with all the terms and  
19 conditions hereof and the expiration of seven years from the  
20 effective date of this decision, this stay shall become permanent,  
21 and respondent's certificate will be fully restored; provided  
22 however, that upon respondent's violation or failure to comply  
23 with any of the terms and conditions of this stay, the Board,  
24 after notice and opportunity to be heard, may in the exercise of  
25 its discretion vacate this stay and reimpose the revocation or  
26 take such other action as it deems reasonable. If an accusation  
27 or petition to revoke probation is filed against respondent during

1 probation, the Division shall have continuing jurisdiction until  
2 the matter is final, and the period of probation shall be extended  
3 until the matter is final.

4 11. IT IS FURTHER STIPULATED AND AGREED that the terms  
5 set forth herein shall be null and void, and in no way binding  
6 upon the parties hereto, unless and until accepted by the Board  
7 of Medical Quality Assurance of the State of California.

8 Dated: November 15, 1984 JOHN K. VAN DE KAMP  
9 Attorney General

10   
11 ALFREDO TERRAZAS  
12 Deputy Attorney General  
Attorneys for Complainant

13 I hereby certify that I have read this Stipulation and  
14 Agreement in its entirety, that I fully understand all of same,  
15 and in witness thereof I affix my signature this 20th day of  
16 November, 1984 at Eureka, California.

17   
18 HERBERT MARVIN TANENHAUS, M.D.  
19 Respondent

20 Approved as to content and form:

21 Dated: November 20, 1984

22   
23 CLAYTON R. JANSSEN, Esq.  
24 Attorney for Respondent  
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